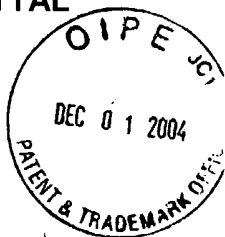


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RCE

<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Address to: <b>Mail Stop RCE</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number: 09/457,926	Confirmation Number: 8221
	Filing Date: December 8, 1999	
	First Named Inventor: Burton G. CHRISTENSEN	
	Group Art Unit: 1639	
	Examiner: M. Shibuya	DEC 6 - 2004
	Attorney Docket Number: 09210.0004	TECH CENTER 1600/2900
Attorney Customer Number: 22,852		



**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 C.F.R. § 1.114:** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, application must request non-entry of such amendment.

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☒ Consider the Amendment and arguments previously filed on September 22, 2004.
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed:
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement
- iv. ☐ Other \_\_\_\_\_

2. Miscellaneous

- a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of [number] months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other \_\_\_\_\_

3. Fees

- a. ☒ The filing fee is calculated as follows:
- i. ☒ \$790.00 RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Petition for extension of time for [number] Months) \$[Fee]
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$790.00 is enclosed.
- c. ☒ The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

**Signature of Applicant, Attorney, or Agent Required**

Name: Mark D. Sweet	Reg. No.: 41,469
Signature:	Date: December 1, 2004

**Certificate of Mailing or Transmission**

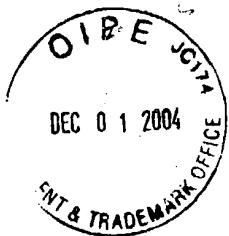
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, MAIL STOP RCE, P.O. Box 1450, Alexandria, VA. 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name:	
Signature:	Date:

12/01/2004 ADDRESS: 00000041 09457926

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PATENT  
Customer No. 22,852  
Attorney Docket No. 09210.0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Burton G. CHRISTENSEN et al. ) Group Art Unit: 1639  
)  
Application No.: 09/457,926 ) Examiner: M. Shibuya  
)  
Filed: December 8, 1999 )  
)  
For: NOVEL ANTIBACTERIAL ) Confirmation No.: 8221  
AGENTS )

DEC 6 - 2004

TECH CENTER 1600/2900  
1600/2900

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document on the attached listing. This Information Disclosure Statement is being filed together with the filing of a Request for Continued Examination in the above-referenced application.

A copy of the U.S. patent is not enclosed. Applicants respectfully request that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claim in the application and Applicants determine that the cited document

does not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 1, 2004

By:   
Mark D. Sweet  
Reg. No. 41,469

IDS Form PTO/SB/08: Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	09/457,926
				Filing Date	December 8, 1999
				First Named Inventor	Burton G. CHRISTENSEN
				Art Unit	1639
				Examiner Name	M. Shibuya
Sheet	1	of	1	Attorney Docket Number	

O I P E  
 DEC 01 2004  
 INVENT & TRADEMARK OFFICE

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-6,437,119 B1	08-20-2002	Truett	

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.